



THE MARYLAND GENERAL ASSEMBLY
ANNAPOLIS, MARYLAND 21401-1991

JOINT COMMITTEE ON ADMINISTRATIVE, EXECUTIVE, AND LEGISLATIVE REVIEW

Memorandum

To: Members of the AELR Committee
Standing Committee Chairs

From: Marie H. Razulis, AELR Committee Counsel
George H. Butler, Jr., AELR Committee Counsel
Crystal L. Lemieux, AELR Committee Counsel

Date: October 7, 2016

Re: **Synopses of Regulations received from 9/23/2016 through 10/6/2016**

Enclosed please find synopses of regulations received by the AELR Committee during the weeks noted above.

The Office of Policy Analysis prepares analyses of the regulations to determine if there are any problem areas, to ensure that the regulations comply with statutory authority and legislative intent, and to assess the fiscal impact of the regulations. If any regulation is of particular interest to you, please feel free to contact us at 410-946-5350 and we will supply you with a copy of the regulation along with the legal and fiscal analysis.

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cc: Victoria L. Gruber
Alexandra M. Hughes

Health and Mental Hygiene, Department of

Proposed Regulations

DLS Control No. 16-227

Department of Health and Mental Hygiene:

Medical Care Programs:

Community First Choice: COMAR 10.09.84.14-.20, .23 and .24

According to the department, the purpose of this action is to establish that rates are in accordance with the Department of Health and Mental Hygiene's fee schedule. Indexing of rates is modified in order to be consistent among home and community-based services programs and to ensure that the amount of the applicable index will be known during the time that the annual budget is developed. The proposed amendments also clarify that home-delivered meals are covered as items that substitute for human assistance. In addition, unnecessary definitions are being deleted.

Proposed Regulation

DLS Control No. 16-229

Department of Health and Mental Hygiene:

Developmental Disabilities:

Behavior Support Services Program Service Plan: COMAR 10.22.10.05

According to the department, the purpose of this action is to allow a licensed behavior analyst to provide applied behavior analysis services to individuals served by the Developmental Disabilities Administration.

Proposed Regulations

DLS Control No. 16-230

Department of Health and Mental Hygiene:

Community-Based Behavioral Health Programs and Services:

Requirements for All Licensed Programs: COMAR 10.63.01.02, .04, and .05

Descriptions and Criteria for Programs and Services Required to have an

Accreditation-Based License: COMAR 10.63.03.14, .18, and .19

Additional Requirements for Accreditation-Based Licenses for Specific Residential

Community-Based Behavioral Health Services: COMAR 10.63.04.03

Application and Licensure Process: COMAR 10.63.06.10

According to the department, the purpose of this action is to update the behavioral health program licensure requirements and to add the program exemption requirements.

Proposed Regulations

DLS Control No. 16-231

Department of Health and Mental Hygiene:

Medical Care Programs:

Community Personal Assistance Services: COMAR 10.09.20.09-.11 and .14

According to the department, the purpose of this action is to establish that rates are in accordance with the Department of Health and Mental Hygiene's fee schedule. Indexing of rates is modified in order to be consistent among home and community-based services programs and to ensure that the amount of the applicable index will be known during the time that the annual budget is developed. In addition, unnecessary definitions are being deleted.

Proposed Regulation

DLS Control No. 16-235

Department of Health and Mental Hygiene:

Health Statistics:

Vital Records: COMAR 10.03.01.08

According to the department, the purpose of this action is to clarify the conditions under which a death certificate may be provided to a government official.

Proposed Regulation

DLS Control No. 16-236

Department of Health and Mental Hygiene:

Board of Physical Therapy Examiners:

Dry Needling: COMAR 10.38.12.01-.04

According to the department, the purpose of this action is to establish guidelines for the provision of dry needling as an intervention performed by physical therapists.

Labor, Licensing and Regulation, Department of

Proposed Regulation

DLS Control No. 16-228

Department of Labor, Licensing, and Regulation:

Division of Labor and Industry:

Employee Injury and Illness Records and Reports: COMAR 09.12.21.02

According to the department, the purpose of this action is to incorporate by reference recent amendments to the OSHA Final Rule on Occupational Injury and Illness Recording and Reporting Requirements – NAICS Update and Reporting Revisions. This action also clarifies the reporting requirements for the reporting of amputations to those involving loss of bone or cartilage.

Environment, Department of the

Proposed Regulations

DLS Control No. 16-232

Department of the Environment:

Oil and Gas Resources:

Oil and Gas Exploration and Production: COMAR 26.19.01.01-.61

According to the department, the purpose of this action is to update the regulations governing the exploration and production of oil and gas to address technologies that were not typically employed in Maryland when the existing regulations were adopted, including hydraulic fracturing and horizontal drilling. Section 14-107.1 of the Environment Article, Annotated Code of Maryland, requires the Department to adopt regulations to provide for the hydraulic fracturing of a well for the exploration and production of natural gas in the State. Section 14-105 of the Environment Article requires the Department to establish fees on the issuance and renewal of drilling and operating permits. The proposed action fulfills both of these requirements. The proposal will ensure that any exploration and production of oil and gas, including from the Marcellus Shale, is conducted in a manner protective of public health, safety, the environment, and natural resources.

Institute for Emergency Medical Services Systems, Maryland

Proposed Regulation

DLS Control No. 16-233

Maryland Institute for Emergency Medical Services Systems:

Designation of Trauma and Specialty Referral Centers:

Freestanding Emergency Medical Facilities: COMAR 30.08.15.03

According to the institute, the purpose of this action is to establish the criteria and process for determining whether the conversion of a general hospital to a freestanding medical facility will maintain adequate and appropriate delivery of emergency care within the statewide emergency medical services system.

Insurance Administration, Maryland

Proposed Regulation

DLS Control No. 16-234

Maryland Insurance Administration:

Credit Life and Credit Health Insurance:

Standards for Credit Life and Credit Health Insurance: COMAR 31.13.01.22

According to the administration, the purpose of this action is to make a technical change consistent with 2015 amendments to this Chapter. In 2015, the definition of "joint life insurance" in

COMAR 31.13.01.04B(13) was amended to include insurance issued to “any two co-debtors” with an insurable interest. Prior to this change, the definition was limited to insurance issued to “a debtor and spouse.” Notwithstanding the 2015 action, COMAR 31.13.01.22C still incorrectly states that, “Joint life credit insurance may not be issued covering any persons other than an individual debtor and the debtor's spouse.” This proposed action would repeal this incorrect statement, consistent with the 2015 changes.

Proposed Regulation

DLS Control No. 16-237

Maryland Insurance Administration:

Property and Casualty Insurance:

Underwriting Period: COMAR 31.08.15.06

According to the administration, the purpose of this action is to (1) amend the notice of cancellation mailing requirement from certificate of mail to first class mail tracking method in accordance with § 12-106 of the Insurance Article and (2) amend the notice of cancellation for workers' compensation insurance policies to be not less than 45 days in accordance with § 19-406 of the Insurance Article.